



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
V. Raman Sukumar, M.D.

APPLICATION NO.: 10/821,678

GROUP ART UNIT: 1743

FILED: April 8, 2004

EXAMINER: JYOTI NAGPAUL

TITLE: MOBILE INTRA-OPERATIVE
MICROSCOPIC DIAGNOSIS
LABORATORY

ATTY DOCKET NO: RS03-232

DATE: February 7, 2007

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JOHN C. ANDRADE, ESQUIRE



02-09-07

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RESPONSE APPLICATION OF:
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Honorable Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

AMENDMENT

This is an Amendment of the Response to the Office Action mailed November 13, 2006. Please amend the application as follows:

In the Claims:

Claim 13 (once amended): The method of Claim 11 further comprising performing all operations under the regulations governed by the Clinical Laboratory Improvements Act of 1988 (CLIA), in effect as of April 8, 2004.

REMARKS

Reconsideration of this application is requested.

Claim 12 was rejected under 35 U.S.C. second paragraph, as unclear to the Examiner what the regulations governed by the Clinical Laboratory Improvements Act of 1988 are and that the regulations were subject to change. The Clinical Laboratory Improvements Act of 1988 is located at 42 C.F.R. 493 and the federal law states that any laboratory facility that performs laboratory testing of human specimens for the purpose of providing information for the diagnosis, prevention and treatment of disease or impairment of, or the assessment of the health of human beings is required to comply with CLIA. The Amendment makes it clear that the applicable regulations are those at the time the application was filed and therefore overcomes the rejection on the basis that the regulations are subject to change.

The Examiner states that the application currently names joint inventors. There is only one inventor, V. Raman Sukumar. The misunderstanding may have arisen out of the